

The amendment to the reported bill corrects an error contained in the bill as introduced, which inadvertently strikes a provision of present law which should remain for purposes of maintaining consistency between certain sections in title 17. It reaffirms the current practice of the Copyright Office to allow participants in a rate-making proceeding to share the cost of that proceeding in direct proportion to their share of the distribution.

Mr. Speaker, I am unaware of any opposition to this amendment.

All the provisions contained in this bill are necessary for the proper functioning of the U.S. Copyright Office and the copyright system, and I am unaware of any opposition to this legislation. I urge a favorable vote on H.R. 672.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 672, a bill to make a number of technical corrections to title 17 of the United States Code, including corrections to drafting errors in the Satellite Home Viewer Act, section 104(a), dealing with restoration of copyright protection in certain preexisting works; licenses for nonexempt subscription transmissions; negotiated licenses for jukeboxes; notice time for infringement actions, copyright office fee schedules, court proceedings, and reports pursuant to the Audio Home Recording Act of 1992.

Mr. Speaker, I am aware of no objections to any of these amendments to law and recommend their adoption under suspension of the rules.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I submit for the RECORD a letter from the Copyright Office of the United States regarding H.R. 672.

THE REGISTER OF COPYRIGHTS
OF THE UNITED STATES OF AMERICA,
Washington, DC, March 18, 1997.

Hon. HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property, Washington, DC.

DEAR MR. COBLE: We note that language in House Report 105-25 accompanying H.R. 672 regarding the Copyright Office not needing appropriations beginning in 1999 is not entirely correct. In contributing to those portions of the Report entitled "Summary" and "Estimated Cost to the Federal Government," it appears that the Congressional Budget Office did not realize that some Copyright Office operations—for example, administration of the mandatory deposit requirements of 17 U.S.C. §407—are not fee services, and would not be covered by a fee increase, even to full cost recovery as permitted (but not required) by Section 7 of H.R. 672.

We would appreciate your confirming on the floor of the House that it is not the intent of Congress that the Copyright Office become self-sustaining under H.R. 672, or that it raise fees to cover the full cost of all services that it provides. As the section-by-section analysis states correctly, the bill grants the Copyright Office, subject to contrary Congressional action, authority to "in-

crease fees up to the reasonable costs incurred by the Copyright Office" plus a reasonable adjustment for future cost increases, provided those fees are "fair and equitable and give due consideration to the objectives of the copyright system." This allows the Register of Copyrights to "decide that fees may be less than the costs of the services provided, if that furthers the objectives of the copyright system."

Thank you for your consideration.

Very truly yours,

MARYBETH PETERS.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the bill, H.R. 672, as amended.

The question was taken.

Mr. COBLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DISTRICT OF COLUMBIA INSPECTOR GENERAL IMPROVEMENT ACT OF 1997

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 514) to permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia, and for other purposes, as amended.

The Clerk read as follows:

H.R. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Inspector General Improvement Act of 1997".

SEC. 2. WAIVER OF RESIDENCY REQUIREMENT FOR CERTAIN EMPLOYEES OF INSPECTOR GENERAL.

Section 906 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-610.6, D.C. Code) is amended—

(1) in subsection (a), by inserting "or subsection (d)" after "subsection (c)"; and

(2) by adding at the end the following new subsection:

"(d) At the request of the Inspector General (as described in section 208(a) of the District of Columbia Procurement Practices Act of 1985), the Director of Personnel may waive the application of subsections (a) and (b) to employees of the Office of the Inspector General."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. DAVIS] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my thanks to the gentleman from Indiana [Mr. BURTON] for permitting expeditious consideration of this bill.

Mr. Speaker, H.R. 514 is straightforward legislation. It was part of H.R. 3664 which was approved by the Subcommittee on the District of Columbia and the Committee on Government Reform and Oversight last June 20. There are complications, however, with other parts of the bill and it was never taken before the full House.

This bill is being brought forward separately this year because there is an urgent need to pass section 2. That section allows the director of personnel of the District of Columbia to waive the residency requirement for employees of the Office of Inspector General at the request of the inspector general.

This legislation is necessary because the personnel in the IG's office are all defined as excepted personnel under the Merit Personnel Act and are required to reside in the District of Columbia within 12 months of employment. The bill would thus guarantee the widest possible talent pool for the inspector general to hire from. Considering the importance placed in this office when it was enhanced in the control board legislation, I agreed to pursue the waiver that this bill contains.

The IG's office currently consists of 35 individuals, a number of whom are not District residents. These individuals accepted employment on condition that their employment would not be barred by the residency requirement.

The Office of Personnel has determined that, lacking authority to grant a waiver, that the residency requirement will have to be enforced beginning as early as March 24. Thus, failure to pass this legislation, H.R. 514, at this time could result in a significant exodus of highly trained and qualified personnel at a time of numerous sensitive investigations. This would clearly be unacceptable, particularly in light of the fact that the inspector general has just announced her resignation from the District and this would really leave the office utterly rudderless.

The Congressional Budget Office has certified that this bill would not effect the Federal budget. I would urge passage of H.R. 514.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the gentleman from Indiana [Mr. BURTON], the gentleman from Virginia [Mr. DAVIS], and the gentleman from California [Mr. WAXMAN] for their work on the District of Columbia Inspector General Improvement Act.

Mr. Speaker, it is noncontroversial. A lot of work has gone into it, and Mr. Speaker, I would hope that the House would pass the bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the very kind gentleman from Virginia [Mr. SCOTT] for yielding to me. I want to thank the gentleman from Indiana [Mr. BURTON] and the gentleman from Virginia [Mr. DAVIS], as well as the gentleman from California [Mr. WAXMAN], the ranking member, for their work on the District of Columbia Inspector General Improvement Act, a bill that would allow the District's director of personnel to waive the residency requirement for employees in the office of the inspector general at the inspector general's request.

In April 1995, the Congress passed the District of Columbia financial responsibility and management assistance authority law, which expanded and strengthened the office of inspector general in the District of Columbia. Pursuant to the financial authority statute, Angela Avant was appointed inspector general in January 1996.

Because of the apparent delay in finding a suitable candidate, Ms. Avant was under considerable pressure from Congress and the financial authority to recruit staff. She received some criticism for not filling positions quickly enough, in part because the positions allocated to the inspector general are "excepted service" positions and thus were subject to the requirement of District residency. The inspector general found that the residency requirement made it difficult to recruit several highly specialized personnel to staff her office. To alleviate these concerns, Mayor Barry transmitted legislation to the council on March 28, 1996, which contained a provision that waived the residency requirement under very limited circumstances.

When it appeared that it would take some time for the Council Committee on Government Operations to consider the bill, I called council member Harold Brazil, then chairman of the committee, who said that he had no objection to the waiver going forward in the Congress. The residency requirement for the inspector general then became part of H.R. 3664, the District of Columbia Improvement and Efficiency Act of 1996, and on the assurance that this noncontroversial waiver was likely to be enacted, the inspector general hired several staff members who reside outside of the District of Columbia on a temporary basis.

H.R. 3664 was never brought to the floor because another provision of the bill violated the pay-go rule. To overcome that problem, the gentleman from Virginia [Mr. DAVIS] submitted the residency language to the House District of Columbia Committee on Appropriations for inclusion in the 1997 omnibus appropriations bill, but in the rush to finalize the language of the omnibus bill in the final days of the 104th Congress, this provision apparently was omitted.

Mr. Speaker, it is urgent that the Congress pass this bill to allow the Office of Inspector General to keep on

staff personnel that have already been hired. Under the Merit Personnel Act, the temporary waiver of residency expires for employees who are "excepted service" after 6 months. Several of the employees hired by the inspector general will be in violation of this rule as early as March 24, if this legislation is not enacted.

Maintaining the inspector general's staff is a high priority for the Congress and the financial authority because of the urgent need to uncover instances of waste, fraud, and abuse in the D.C. government. By passing this bill, the House sends a message that it wants to encourage fast action on these important priorities.

I emphasize that this bill involves no violation of home rule because all branches of government, the Mayor, and the city council apparently agree that it should be passed expeditiously without going through the council, which would not be prepared to take it up as quickly as we have been.

I ask the House to pass this piece of unfinished business from the 104th Congress, the District of Columbia Inspector General Improvement Act, H.R. 514.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Let me thank the gentlewoman from the District of Columbia [Ms. NORTON] for her comments and help in bringing this to the floor as well as the gentleman from California [Mr. WAXMAN] and the gentleman from Virginia [Mr. SCOTT] the gentleman from Virginia for his remarks.

As the gentlewoman from the District of Columbia [Ms. NORTON] has noted, the Mayor and the council support this legislation, as does the control board.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Virginia [Mr. DAVIS] that the House suspend the rules and pass the bill H.R. 514, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 514.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

OROVILLE-TONASKET CLAIM SETTLEMENT AND CONVEYANCE ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 94 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HASTINGS] is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution provides for consideration of H.R. 412, the Oroville-Tonasket Claim Settlement and Conveyance Act under an open rule. The rule provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Resources. The rule makes in order the Committee on Resources amendment in the nature of a substitute now printed in the bill as an original bill for purposes of amendment. The amendment in the nature of a substitute shall be considered as read. The rule further provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 412 approves the settlement reached between the U.S.